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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 17-Mar-2022**

**Subject: Planning Application 2021/94559 Demolition of existing garage and conservatory and erection of single storey rear extension and rear dormer extension 12, Penn Drive, Hightown, Liversedge, WF15 8DB**

**APPLICANT**

D Baker

**DATE VALID**

16-Dec-2021

**TARGET DATE**

10-Feb-2022

**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Link to Public speaking at committee](#)

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Cleckheaton**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.**

**1.0 INTRODUCTION:**

- 1.1 This application is brought to committee at the request of Cllr Lawson for the reasons outlined below.
- 1.2 "I wish to refer this application to Planning Committee. The main element of the application, while each falling under permitted development, together merit members taking "on balance" decision about the mass and proximity to the neighbouring property."
- 1.3 The Chair of the Sub-Committee has confirmed that Cllr Lawson reasons for the referral to the committee are valid having regard to the Councillor's Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 12 Penn Drive is a brick-built dormer bungalow with a garden and drive to the front, garage attached to the side, larger enclosed garden to the rear with a detached outbuilding, conservatory and rear dormer.
- 2.2 The property has similarly aged dwellings to the front, sides and rear.

**3.0 PROPOSAL:**

- 3.1 The applicant is seeking permission for a single storey rear extension and enlargement of the rear dormer.
- 3.2 The single storey rear extension would project 3m from the original rear wall of the dwelling extending across the width of the property with a lean-to roof form. The extension would be constructed using brick for the walling and tiles for the roof covering.
- 3.3 The rear dormer would be increased in depth by 1.8m with a 0.5m set in from the shared boundary with the dormer of the adjoining property. The horizontal cladding would be continued.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 None

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1 The agent has been asked to set the dormer and extension in. In response to this request, an amended plan has been supplied setting in the dormer by 0.5m. The extension has not been altered as the agent considered this would result in a gap which would cause more issues in terms of maintenance in the long term.

5.2 The revised plan has not been re-advertised due to the reduction in scale.

#### **6.0 PLANNING POLICY:**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

##### Kirklees Local Plan (2019):

- 6.2
- LP 01 – Achieving sustainable development
  - LP 02 – Place shaping
  - LP 22 – Parking
  - LP 24 – Design

##### Supplementary Planning Guidance / Documents:

6.3 Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

##### National Planning Guidance:

6.4 Chapter 12 – Achieving well-designed places

#### **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by neighbour letters, which expired on 26/01/2022.

7.2 Two representations were received from the same address. The concerns raised include:

- Details of the neighbouring conservatory have not been included on the plans.
- The extension would block sun to the neighbour's conservatory.
- Access is likely to be required on the neighbour's land.
- The extension may cause issues with maintenance and cleaning of the neighbour's conservatory.
- Potential to damage the neighbour's conservatory.
- The neighbour has received no notice under the Party Wall Act.
- Devaluation of the neighbouring property.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

None

### 8.2 Non-statutory:

None

## 9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

### Visual amenity

10.2 Penn Drive is a residential street with similarly aged properties although there are some variances in terms of design and some of the properties have been previously extended and altered. Dependant upon design and detailing, it may be acceptable to extend the host property.

- 10.3 Key Design Principle 1 of the House Extension & Alteration supplementary planning document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the HESPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.
- 10.4 *Single storey rear extension:* Paragraphs 5.1 and 5.2 go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials. The extension is proposed to replace an existing conservatory with a slightly larger structure using materials which would match the main house. Furthermore, there are a number of extensions in the wider area. In terms of the design, materials and size, the rear extension is considered to be acceptable in terms of visual amenity.
- 10.5 *Extension to existing rear dormer:* In point 5.25 of the House Extension SPD, it does suggest that rear dormers can be considered to be appropriate dependent upon design and size. The current proposal seeks to enlarge the existing rear dormer. This is to the rear of the property and would not be out of character with the wider area which has quite a number of rear dormers of varying sizes. In this instance, the materials would continue through the original element and the extended area. As such, the extension to the rear dormer is considered to be acceptable in terms of visual amenity.
- 10.6 *Summary:* The rear extension and enlargement to the dormer would join at the rear and have a slightly unusual relationship. However, the visual impact of this would be limited given the scale and position of the extensions. Having taken the above into account, the proposed rear extension and enlargement of the existing rear dormer would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

#### Residential Amenity

- 10.7 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light & Key Design Principle 6 on preventing overbearing impact.
- 10.8 *Impact on 10 Penn Drive:* The rear extension would be constructed close to the shared boundary with the adjoining property and would have the potential to result in overbearing and overshadowing in the afternoon given the position to the southwest. However, the extension is replacing an existing conservatory, albeit close to the shared boundary, the projection is limited to 3m and would

be single storey which will mitigate much of the impact. It is noted that the neighbouring property has a conservatory which has been constructed up to the shared boundary. There would be some impact on the side windows as a result of the extension. However, this is not considered to be so significant so as to justify refusal of this proposal. The property already has a dormer as does the adjoining property. Although this proposal would increase the depth of the dormer, this is set up within the roof plane and includes a 0.5m set back of the extended area which would have little opportunity to have any further impact on the adjoining dwelling. With regards to the impact on the adjoining 10 Penn Drive, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.

- 10.9 *Impact on 14 Penn Drive:* The adjacent dwelling occupies an elevated position which occupies a position further back within its own plot and there is a separation of 8m between the properties. Given the relationship between the host property and the adjacent neighbour, the proposed rear extension and enlargement of the rear dormer would have no significant impact on the amenities of the occupiers of the adjacent 14 Penn Drive. With regards to the impact on the adjacent 14 Penn Drive, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.
- 10.10 *Impact on 7 Ashbourne Croft:* The neighbouring dwelling to the rear occupies a position some 19m from the host property and has an angled relationship relative to the host property. Given this angled relationship together with the 19m separation, the proposed rear extension and enlargement of the rear dormer are unlikely to have any significant impact on the amenities of the occupiers of the neighbouring 7 Ashbourne Croft. With regards to the impact on the neighbouring 7 Ashbourne Croft, the scheme is considered to be acceptable in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF.
- 10.11 Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5 & 6 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

#### Highway issues

- 10.13 The proposals will result in some intensification of the domestic use. However, the parking area to the front of the property which together with the garage proposed would be considered to represent a sufficient provision for two off road parking spaces. There is space within the curtilage for bin storage. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

## Representations

10.14 The representations received raised a number of concerns.

- Details of the neighbour's conservatory have not been included on the plans.  
**RESPONSE:** This is not a material consideration as a full site visit is carried out and the officers assess the host property and surroundings to understand the spatial relationships.
- The extension would block sun to the neighbour's conservatory.  
**RESPONSE:** This is a material consideration and has been addressed within paragraph 10.8.
- Access is likely to be required on the neighbour's land.  
**RESPONSE:** This is not a material consideration as it comes under civil legislation. However, a note is usually included on approvals reminding the applicant that a planning permission does not override other legislative responsibilities.
- The extension may cause issues with maintenance and cleaning of the neighbour's conservatory.  
**RESPONSE:** This is not a material consideration.
- Potential to damage the neighbour's conservatory.  
**RESPONSE:** This is not a material consideration.
- The neighbour has received no notice under the Party Wall Act.  
**RESPONSE:** This is not a material consideration.
- Devaluation of the neighbouring property.  
**RESPONSE:** This is not a material consideration.

## Other Matters

10.15 *Carbon Budget:* The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

10.16 *Fall-back position:* Whilst no fall-back position has been lawfully established, Members may wish to note that the rear extension, with a projection of 3m, and the enlargement of the rear dormer with a resultant additional roof volume of less than 50 cubic metres, could both be constructed under permitted development. Planning permission is required in this instance, given the link between the dormer and the extension. If the roof over the rear extension was altered so that it did not touch the dormer, then planning permission would not be required.

10.17 There are no other matters with respect to this application.

## **11.0 CONCLUSION**

- 11.1 The rear extension and enlargement of the rear dormer have been considered with regards to the relevant policies relating to visual and residential amenity and are considered to be acceptable.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**

1. Time scale for implementing permission
2. Development to be carried out in accordance with the approved details
3. Matching materials for the extensions

### **Background Papers:**

Application and history files.

[Link to planning application](#)

Certificate of Ownership – Certificate A signed: